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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,293	09/17/2003	Ciprian Agapi	BOC9-2003-0062 (435)	4561
40/987	7590	01/23/2009		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			01/23/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/664,293

**Applicant(s)**

AGAPI ET AL.

**Examiner**

SAJEDA MUHEBULLAH

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to Amendment filed 10/13/2008.
2. Claims 1-2 and 4-6 are pending in this application. Claims 3 and 7-16 were cancelled.

This action is made Final.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alimpich et al. ("Alimpich", US 5,872,568), in view of Marx et al. ("Marx", US 6,173,266) in view of MacPhail (US 6,593,943) and further in view of Siefert et al. ("Siefert", US 5,726,688).

As per claim 1, Alimpich teaches a method of arranging user-named variables and system-named variables in a presentation list (Alimpich, Fig.3; col.5, lines 18-21), comprising the steps of:

receiving a system request to display variables in the presentation list (Alimpich, Fig.3), the variables including a group of user-named variables (Alimpich, Fig.3, *value 58*) and a group of system-named variables (Alimpich, Fig.3, *value 54, 56*);

sorting the group of user-named variables and the group of system-named variables according to a first attribute and then sorting the variables within each group by a second

attribute, (Alimpich, *Fig.3, values 54, 56 grouped above value 58 and sorted alphabetically within each group*); and

simultaneously presenting the user-named variables and the system-named variables (Alimpich, *Fig.3, user-list 52*), wherein presentment of the user-named variables and the system-named variables comprises presenting the group of user-named variables in a first region of the list (Alimpich, *Fig.3, bottom region*) and the group of system-named variables in a second region of the list (Alimpich, *Fig.3, top region*).

However, Alimpich does not teach arranging variables in a callflow development GUI wherein said first attribute indicates a priority of a group of variables, and wherein the group of user-named variables has a greater priority than the group of system-named variables, sorting the groups in distinct regions and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format, wherein the first region is above the second region. Marx teaches a callflow development GUI wherein a list of variables are chosen to develop the call flow (Marx, col.3, lines 66-col.4, lines 7; Fig.7). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Marx's teaching with Alimpich's method in order to allow for easier selection in a callflow environment.

Furthermore, the method of Alimpich and Marx does not does not explicitly teach wherein said first attribute indicates a priority of a group of variables, and wherein the group of user-named variables has a greater priority than the group of system-named variables, sorting the groups in distinct regions and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format, wherein the first region

is above the second region. MacPhail teaches a method of arranging groups on a display wherein each group consist of a priority sequence attribute to sort the groups according to priority with one region above the other and also variables within the group may be sorted by a priority attribute (MacPhail, col.7, lines 33-39; col.12, lines 50-58, 65-67; col.16, lines 23-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to include MacPhail's teaching with the method of Alimpich and Marx in order to quickly access those variables which are deemed most important.

Furthermore, the method of Alimpich, Marx and MacPhail does not teach the regions to be distinct and presenting the user-named variables in a first format and the system-named variables in a second format distinct from the first format. Siefert teaches a method of arranging variables names in a presentation list wherein there exist two distinct regions, the first region names displayed in a format different from the second region names (Siefert; Fig.5, col.3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Siefert's teaching with the method of Alimpich, Marx and MacPhail in order to visually distinguish between the variables.

As per claim 4, Siefert teaches the method, wherein the step of distinguishing is accomplished using at least one among labeling and text formatting (Siefert, Fig.5, col.3, lines 57-64).

As per claim 5, Alimpich teaches the method, wherein the second attribute is an alphabetical order (Alimpich, Fig.3, *values arranged alphabetically within each group*).

As per claim 6, MacPhail teaches the method, wherein the second attribute is a chronological order (MacPhail, col.5, lines 29-30).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alimpich et al. ("Alimpich", US 5,872,568), Marx et al. ("Marx", US 6,173,266), MacPhail (US 6,593,943) and Siefert et al. ("Siefert", US 5,726,688), in view of O'Leary et al. ("O'Leary", US 5,867,162).

As per claim 2, the method of Alimpich, Marx, MacPhail, and Siefert teaches the method to further comprise the step of displaying the variables in a list box (Alimpich, Fig.3). However, the method does not teach selecting the variables using a drop-down control. O'Leary teaches the arrangement of variables in a drop-down menu (O'Leary, Fig.3, *clicking File drop-down control displays variables*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include O'Leary's teaching with the method of Alimpich, Marx, MacPhail, and Siefert in order to present the variables in an alternate manner.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 10/13/2008 have been fully considered but they are not persuasive.

Applicant argued the following:

a) MacPhail's priority labels are assigned by the user and there is no guarantee that the group of user-named variables has a greater priority and is presented in the top region.

b) Siefert does not disclose presenting user-named variables as a group separately and distinctively from the system-named variables as a group.

The Examiner disagrees for the following reasons:

Per a), MacPhail teaches the labeling to be done automatically (MacPhail, col.16, lines 26-34).

Per b), In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communications***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Sajeda Muhebbullah**

***Patent Examiner***

***Art Unit 2174***

/S. M./

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178